

Court of Appeals, State of Michigan

ORDER

People of MI v Spartacus Berry

Docket No. **337440**

LC No. **16-000122-FH**

Michael J. Talbot, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the February 28, 2017 postjudgment order denying defendant's motion in nunc pro tunc for jail credits is not a final order that is appealable of right. MCR 7.202(6)(b); MCR 7.203(A). Further, it appears that, generally, there would not be an appeal of right in this criminal case with convictions based on defendant's guilty plea. MCR 7.203(A)(1)(b). Defendant may seek to appeal the February 28, 2017 order, or the amended version of that order entered on March 3, 2017, by filing an application or delayed application for leave to appeal under MCR 7.205.

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 21 2017

Date

Chief Clerk